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November 13, 2015

VIA E-Mail (Schofield_NYSDChambers@nysd.uscourts.gov)

Hon. Lorna G. Schofield
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 11/16/15

Re: Kriss et al. v. Bayrock Group, LLC, et al., Index No. 10 Civ. 3959 (LGS) (FM)

Dear Judge Schofield:

We represent Defendant Felix Sater in the above-captioned litigation. We write in accordance with the Court's Order dated November 4, 2015 (ECF No. 196), which directed the parties to publicly file on ECF three letters previously submitted under seal to Judge Maas, or in the alternative, e-mail such letters to Your Honor with proposed redactions highlighted in accordance with Individual Rule I.C.3. Plaintiffs have filed with our consent the joint letter dated July 17, 2015 without redactions. (*See* ECF 197). We submit the attached proposed redactions to Plaintiffs' letter dated July 8, 2015 (herein, "Plaintiffs' Letter"), and Defendant's letter dated July 17, 2015 (herein "Defendant's Letter"). Plaintiffs consent to the proposed redactions to Plaintiffs' Letter and to the proposed redactions to Exhibit B to Defendant's Letter (the Second Amended Complaint, or "SAC"), but do not consent to the proposed redactions in the body of Defendant's Letter and Exhibit A to Defendant's Letter (the First Amended Complaint, or "FAC").

The basis for the proposed redactions to Plaintiffs' Letter is that this Court has ordered Plaintiffs to file the SAC with the highlighted portions of paragraphs 100, 248(b), and 248(d)



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removed. (*See* ECF No. 198). Plaintiffs had previously agreed to remove these allegations from the SAC.

The basis for the proposed redactions to Defendant's Letter is that the FAC has been ordered sealed from the inception of this case and has never been publicly filed. In addition, on November 9, 2015 the Court ordered Plaintiffs to file the SAC in lieu of the FAC, with the highlighted portions of paragraphs 100 and 248 of the SAC removed. (*See* ECF No. 198). By that same Order, the Court withdrew its previous order that the FAC be publicly filed with the over 400 paragraphs designated in Magistrate Judge Maas's January 14, 2015 Report and Recommendation stricken. Accordingly, we propose that the highlighted portions of Defendant's letter be sealed, along with Exhibit A thereto (the FAC) and the highlighted portions of Exhibit B (the SAC).

Your consideration is greatly appreciated.

Respectfully,

/s/
Robert S. Wolf

APPLICATION GRANTED. Defendants shall file both the Plaintiffs' Letter, dated July 8, 2015, and the Defendant's Letter, dated July 17, 2015, with the proposed highlighted material redacted.

Dated: November 16, 2015
New York, New York

A handwritten signature in black ink, appearing to read "Lorna G. Schofield", written over a horizontal line.

LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE